Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Status of All of the Claims

Below is the status of the claims in this application.

1.   Claim(s) pending: 1-21.

Claim Rejections

The Law of §102 Generally

It is well settled law that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See, Manual of Patent Examining Procedure (MPEP) §2131. It is not sufficient that the prior art reference disclose all of the elements in isolation. Rather, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinefabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984, emphasis added). The Examiner has the burden of presenting a *prima facie* case of anticipation. In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-39 (Fed. Cir. 1986); In re Skinner, 2 USPQ2d 1788, 1788-89 (B.P.A.I. 1986).

Independent Claims 1 and 11

In item 2 of the Office Action, independent claims 1 and 11 were "rejected under 35 U.S.C. 102(e) as being anticipated by Mikhail et al." In traversal, the Applicant contends that the Action has failed to present a prima facie case of anticipation. Specifically, the Action has failed to identify a browser-based application requiring no web components as required by the claim. In rejection, the Action asserts that the sending and receiving of HTML, which includes

javascript for a first and second invisible frame, is the browser-based application of the type specifically required by the rejected claims. In the Abstract, Mikhail describes that "the hidden frames contain **applets** such as Java Server Programs (JSP)." Additionally, Mikhail describes that the contents of one invisible frame includes "**an applet** in a hidden frame" for "establish[ing] a socket connection with the notifier object in the application server." [Mikhail – col. 4, lines 39-41]. It is well known in the software arts that a Java Applet requires that the Java plug-in, including the Java Virtual Machine, be installed within the client browser in order to execute. This Java plug-in is the type of web component that claims 1 and 11 specifically call out as being unnecessary for execution of the claimed method by the browser-based application. Since the use of the Mikhail application requires that the Java plug-in be installed, the assertion that the application in Mikhail is the browser-based application as claimed cannot stand. As such, the rejections of claim 1 and 11 under §102 must be withdrawn.

Moreover, claim 1 requires that the client-side browser-based application send an asynchronous request using the page, which contains code for a user interface displayed by the browser-based application. In rejection, the Action asserts that Mikhail discloses an asynchronous data request as described by claims 1 and 11. The Action appears to identify the applet and client browser described in column 4, lines 39-53 and column 10, lines 23-50 of Mikhail respectively to be the page containing code for the user interface required by the claim.

In traversal, the Applicant asserts that claims 1 and 11 specifically require that the data request be sent from the page. The cited sections of Mikhail do not show the sending of a request using the page itself, or more specifically as required by claim 1, the hidden frame in the page. The Action then identifies a section of Mikhail which describes the initialization of the Sybase server, connection of it to the Application server, pull of initial data elements and subsequent synchronization timer cycles. The Action fails to identify this request being sent from the proper source, which in Mikhail, has been identified to be the applet running on the client browser. For this and other reasons herein, the Applicant respectfully submits that independent claims 1 and 11 along with their respective dependent claims are allowable over the references of record and requests that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn.

In addition to the reasons given above, other reasons support the patentability of claim 1's dependent claims. For example, the Action rejected claim 2 as also being anticipated by

Mikhail et al. Claim 2 requires that the user interface presented by the browser-based application remain responsive while awaiting the response to a data request. In rejection, the Action again cites to the section of Mikhail which deals with the connection and synchronization of the Sybase server and application server. The Action fails to point out where the applet and client browser of Mikhail, which are cited as the user interface in rejection of claim 1 [column 4, lines 39-53 and column 10, lines 23-50 respectively] remain responsive to user interaction while awaiting a response to a sent data request. As such, the rejection of claim 2 is improper and must be withdrawn.

With respect to claim 7, the Action has failed to cite any section of Mikhail as disclosing the claimed functionality. Applicant is unsure if the Action is intentionally making a blanket rejection or if there is some other error. However, in the event of a blanket rejection, the Applicants have reviewed the disclosure of Mikhail and failed to find any disclosure of user customizable windows. For example, Mikhail does not teach user created, positionable, or sizeable windows. Rather Mikhail describes only system generated windows which operate in multiple layers to provide a visible window and several invisible windows. As such, for this and the reasons stated herein, the rejection with respect to claim 7 must be withdrawn.

Independent Claim 18

Applicant requests that the rejection of claim 18 be withdrawn for the same reasons set forth with respect to claim 1 above.

The Law of §103 Generally

In order "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (citing, In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, the prior art must be taken only for what it would teach or suggest to a person of ordinary skill in the art at the time of the invention, without using impermissible hindsight. Moreover, "it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 353 F.2d 238, 241 (CCPA 1965). Moreover, "[a] patent composed of several elements is not proved obvious merely by

demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007).
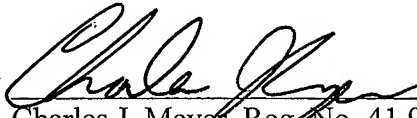
The Rejections Under §103

In item 5 of the Office Action, claims 5, 16, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mikhail in view of Melet et al. In traversal, the Applicant submits that a *prima facie* case of obviousness has not been established because all of the elements of the claims, as currently amended, have not been identified or suggested by the cited references. Specifically, Melet fails to disclose a browser-based user interface on only a single page which does not change pages as the user interacts with it. Rather, Melet discloses a web page which is displayed by a browser and an additional dialog box which may be initialized. The dialog box is described as being used for data entry. Upon the occurrence of trigger events, such as data input, the first revolution of the dialog box may be removed and replaced with a second revolution which may present any other form of data. However, the combination of the dialog boxes and the underlying web pages cannot be combined to form a single page constant user interface. As such, Applicant submits that the cited references fail to disclose or suggest all of the features as recited in claims 5, 16, and 20. For this and other reasons, the Applicant respectfully submits that claims 5, 16, and 20 are allowable over the references of record and requests that the rejection of these claims under 35 U.S.C. § 103 be withdrawn.

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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